

Senate Bill 326

In The Senate

January 29, 1981

Introduced and referred
to Committee on Taxation.

April 23, 1981

Died in Committee.

1 *Amended* BILL NO. *326*
 2 INTRODUCED BY SENATE COMMITTEE ON TAXATION
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A MECHANISM
 5 FOR THE REGISTRATION OF ALCOHOL STILLS THROUGH A PERMIT
 6 SYSTEM; TO REQUIRE FILING OF AN ANNUAL REPORT; AND TO
 7 PROVIDE FOR PENALTIES FOR NONCOMPLIANCE."

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 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Definitions. As used in [sections 1 through
 11 9], the following definitions apply:

- 12 (1) "Department" means the department of revenue.
- 13 (2) "Still" means any apparatus designed, intended,
 14 actually used, or capable of being used for or in connection
 15 with the separating of alcohol or spiritous vapors, alcohol
 16 or spiritous solutions, or alcohol or spirits.

17 Section 2. Permit required. (1) Except as provided in
 18 subsection (2), no person may possess a still located in
 19 Montana without obtaining a permit from the department. A
 20 separate permit is required for each still.

21 (2) A person who maintains an inventory of stills for
 22 the purpose of sale or exchange is not required to have a
 23 permit for a still in inventory. Upon the sale or exchange
 24 of a still, the transferor shall notify the department and
 25 provide the name and address of the transferee.

1 Section 3. Application for permit. (1) An application
 2 for a permit is to be made on forms provided by the
 3 department.

4 (2) The application shall contain the name and address
 5 of the applicant and the location of the still. The
 6 application shall indicate the use to which the still
 7 products are to be applied.

8 Section 4. Permit fee -- exceptions. (1) Except as
 9 provided in subsection (2), a permit application must be
 10 accompanied by a \$5 permit fee, and a permit may not be
 11 issued without the payment of the fee.

12 (2) A permit fee is not required for a still that is
 13 licensed or permitted by the federal government. In lieu of
 14 the fee, the applicant shall submit a copy of the federal
 15 license or permit.

16 Section 5. Issuance of permit. (1) Within 15 days of
 17 the receipt of an application and the required fee or
 18 federal documents, the department shall issue a state
 19 permit. The permit shall indicate the name and address of
 20 the applicant, the location of the still, and the purpose
 21 for which the still is operated.

22 (2) The permit is valid so long as the listed person
 23 continues to possess the same still at the same location and
 24 for the same purpose. If the location or purpose is changed,
 25 a new permit is required but no additional fee is required.

1 If possession changes or a new still is acquired, a new
2 application, with a fee or documents, must be submitted.

3 Section 6. Surrender of permit. Whenever a permit is
4 incorrect as to the possessor, still location, or purpose or
5 a new still is acquired to replace an old still, the
6 outstanding permit shall be returned to the department and a
7 new permit obtained.

8 Section 7. Operation of still. Possession of a permit
9 issued under [section 5] authorizes the permittee to operate
10 the still at the designated location and for the designated
11 purpose.

12 Section 8. Annual report. (1) Except as provided in
13 subsection (4), a person operating a still shall file with
14 the department an annual report by February 15 of each year
15 following the year about which the report is written. The
16 report shall be on forms provided by the department.

17 (2) The report shall provide the following
18 information:

19 (a) still permit number;

20 (b) amount of alcohol produced;

21 (c) use and disposition of produced alcohol and
22 alcohol products; and

23 (d) other information necessary to implement [sections
24 1 through 9] as required by the department.

25 (3) The form shall contain simplified reporting

1 requirements for those persons already supplying the
2 required information to the department.

3 (4) A person is not required to file a report for a
4 year during which the still is not operated.

5 Section 9. Penalties. (1) Possession or operation of a
6 still without a permit or operation of a still for a purpose
7 not listed on the permit is a misdemeanor punishable as
8 provided in 46-18-212, and in addition subjects the still to
9 forfeiture and seizure by either state or local law
10 enforcement personnel.

11 (2) Failure to file a report required by [section 8]
12 subjects the permittee to a fine of \$100 for the first
13 failure and \$500 for each additional failure. This fine may
14 be collected by the department in the same manner as
15 delinquent income taxes are collected.

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